

Virginia Interagency Advisory Council on Administrative Dispute Resolution

Minutes

November 8, 2007 Meeting
Richmond, Virginia

Present: Claudia Farr, Lead Staff; Cindy Berndt; Al Bridger; Joice Conyers; Geoff Drucker, Guest Speaker; John Gazzola; Marsha Heath, Administrative Support; Leslie Hutcheson-Prince; Donita King; Seward McGhee; Barbara Newlin; Marty Parrish; Ron Regnery; Ernest Spratley; Alexis Thornton-Crump.

Claudia Farr called the meeting to order at 10:00 a.m. She welcomed the guest speaker, Geoff Drucker, Adjunct Faculty from George Mason University's Institute for Conflict Resolution, and also introduced Marsha Heath, the Council's Administrative Support, to the members. The departure of Connie Hope, Council Member from the Education Secretariat, was announced. Claudia Farr expressed appreciation for her service on the Council the past year. It was also announced that Charles Gray, Liaison from the Office of the Attorney General, has gone into private practice, and appreciation was extended for his service to the Council since 2002. Barbara Newlin, Council Member from the Health and Human Resources Secretariat, is retiring January 1, 2008. Claudia Farr presented her with a certificate for her dedication and service to the Council since 2002.

Ron Regnery discussed his presentation to the Attorney General's Government and Regulatory Reform Task Force on the Council and its work. He provided the Task Force with an overview of the Virginia Administrative Dispute Resolution Act and the Council's mission, and also presented the DEQ pilot as an example of how ADR tools can further public participation and consensus building in the regulatory area. He advised the Task Force that the Council stood ready to assist them as appropriate to solve regulatory problems in the Commonwealth. Claudia Farr asked about the feasibility of periodic check-ins with the Task Force. Mr. Regnery will look into this.

Barbara Newlin reported on the recent lunch seminars, "What Can 'Ombuds' Do For Your Organization?" and "What Can 'Conflict Coaching' Do for Your Organization?" Both were well received. The training on "Provisions to Encourage or Require ADR Under Contracts and Other Instruments" was postponed due to the multiple deadlines agencies were facing in September. Ms. Newlin announced that VDOT's videoconferencing equipment could be a very effective tool for increasing participation in future trainings. A mini-retreat for DRCs (2 to 2 ½ hours) was discussed, and the interest was favorable. This would take place possibly in May 2008.

Donita King reported for the Implementation Subcommittee. It is planned to have agencies confirm their DRC and to review and update their ADR policies. Agency input will also be needed with respect to developing a "shared neutrals program." Agencies that have long had ADR programs and service providers in place include the Department of Professional and Occupational Regulation, Department of Employment Dispute Resolution, and Department of Agriculture and Consumer Services. Discussion was held about making sure there is enough demand for the shared neutrals service, and that agencies can be assured that participation in this pool will not pull employees from their regular duties too frequently.

Marty Parrish gave a report from the Data Subcommittee. An empirical report to show the value of ADR is needed. Research reveals that litigation is costly to the Commonwealth (\$52 million to plaintiffs and attorneys, \$15 million in defense). ADR could alleviate this and save taxpayer dollars. The Council is currently pursuing funding through the Commonwealth's Productivity Investment Fund.

Joice Conyers reported for the Council's Internal Governance work group. She presented the Council with her tentative recommendation that Council member terms should be staggered (two 3-year terms), which would allow for stability as well as change and new ideas. Mid-term vacancies could be filled by an "interim" appointed by the respective Cabinet Secretary. The "interim" would then be eligible for two 3-year terms after serving out the interim period. This change may require legislation, probably with the 2009 session. A suggestion was made to avoid selecting Council Members repeatedly from the same agency. Also, that it is important that the person selected by the Cabinet Secretary be interested in being part of the ADR Council, and available to contribute to the Council's mission. Any comments, questions or suggestions for the Council's Internal Governance work group should be addressed to Joice Conyers or Al Bridger. Claudia Farr also asked the Workgroup to think about ways in which the Council could encourage effective "shared leadership" among its members.

Geoff Drucker, Adjunct Faculty, Institute for Conflict Analysis and Resolution at George Mason University, and a member of the McCammon Group, gave a presentation to the Council entitled "The Federal Government and ADR: Lessons Learned." (See attached.) Major points in his presentation include:

- keep moving forward
- revitalize existing programs
- embrace new technology (videoconferencing, facilitation through conference call)
- look for the "pain" (be mindful of "what's in it for me?")
- view all change as opportunity

Council members engaged in some initial brainstorming in these areas.

The Council will meet next after the General Assembly, hopefully in March or April, the date to be determined. Committee Co-Chairs will meet in early December with Claudia Farr to develop further the ideas discussed.

The meeting adjourned at approximately 12:00 noon.